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Public Utility Division Oklahoma Corporation Commission February 16, 2022



# Disclaimers

- ◆ The information in this presentation is intended for informational purposes only and is subject to change.
- This presentation does not cover the entire statutory Act or Commission Rules.
- Federal E-rate funding has additional requirements.
- OUSF Funding commitments depend on the facts presented during requests for Preapproval or OUSF Funding.
- Examples showing funding assume all other OUSF program requirements were followed.



## Agenda:

- Overview of the Oklahoma Universal Service Fund and Eligibility.
  - Services & Bandwidth

    What is typically <u>funded</u> for Schools and Libraries?
  - Bids Soliciting <u>Competitive bids</u>, <u>Eligible Providers</u>, and <u>LCRQB</u>.
    - Contracts

      Possible contract considerations and language.
    - Determination & Funding

      Determinations and how funding is applied to the school or library?
    - 6 Preapproval Can OUSF funding be preapproved?
  - 7 Forms Affidavits and where to find them.
  - 8 Q & A Questions and Comments.



# What is the Oklahoma Universal Service Fund ("OUSF")?

- ◆ The OUSF is a fund that: supports Special Universal Services to public schools, public libraries, and eligible telemedicine facilities; and supports the provision of Primary Universal Service to eligible telecommunication providers.
- Service Providers pay into the OUSF and may pass this cost on to end-users.
  - This may appear as a fee on your monthly phone bill.
- ◆ E-rate may cover a portion of the cost of eligible Special Universal Services.
  - Oklahoma statute allows the OUSF to fund up to the remaining cost of eligible services.



# **OUSF Funding Requests - Roles**

#### **Beneficiary**

Completes the
Affidavit and submits
it to service provider
along with the
required attachments.

#### **Service Provider**

Completes the SUSF form and School/Library worksheet attachment, and files a Request for OUSF Funding with the OCC.

## **Beneficiary and Service Provider**

Should answer all

Data Requests from

PUD Analyst

promptly.



# Is your library or school eligible for OUSF funding?

### Public Libraries<sup>1</sup>

- Libraries must be open to all persons under identical conditions and supported by public funds.
- Does not include libraries operated by:
  - Universities, colleges, or schools
  - Museums
  - Oklahoma Historical Society
  - County Law Libraries

### Public Schools<sup>2</sup>

- PreK-12 free schools funded by public taxation.
- Career Technology Centers that serve HS Students.
- Does not include:
  - Private schools
  - Virtual schools
  - Home schools

<sup>&</sup>lt;sup>1</sup> See 17 O.S. § 139.102(38)

<sup>&</sup>lt;sup>2</sup> See 17 O.S. § 139.102(39)



What services and bandwidth does the OUSF typically fund?



OUSF Eligible Services for schools and libraries

- ◆ Category One Non-Voice Services on the USAC Eligible Services List.<sup>3</sup>
  - Including, but not limited to, Internet, WAN, and eligible equipment.
- Taxes and fees are not eligible.



<sup>&</sup>lt;sup>3</sup> See 17 O.S. § 139.109.1(A)(2)-(3)

# Eligible Bandwidth - Libraries

- FCC Recommendations<sup>4</sup>
  - At least 100 Mbps for libraries that serve fewer than 50,000 people.
  - At least 1 Gbps for libraries that serve 50,000 people or more.

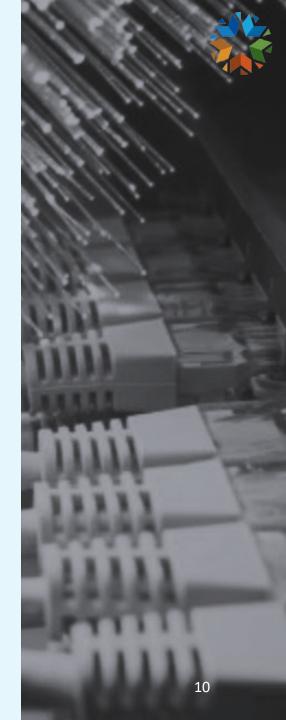
<sup>4</sup> See Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, 29 FCC Rcd. 8886, para. 27 (2014) (E-rate Modernization Order or E-rate Modernization FNPRM)



## Eligible Bandwidth - Schools

◆ SETDA Broadband Imperative III Recommendation<sup>5</sup>

The SETDA recommendation found in the Broadband Imperative III is used to determine eligible bandwidth for schools. The growth charts found in Appendix A, starting on page 23 of the document, are used to comply with the Oklahoma statutes.



<sup>&</sup>lt;sup>5</sup> From: State Educational Technology Director's Association's ("SETDA") <u>The</u> Broadband Imperative III: Driving Connectivity, Access and Student Success, Appendix A, updated November, 2019



# Eligible Internet Bandwidth – Oklahoma Schools

#### INTERNET BANDWIDTH RECOMMENDATIONS

School District Size	2023-24 Targets
Small School District (fewer than 1,000 students)	At least 4.3 Mbps per user (Minimum 300 Mbps for district)
Medium School District Size (3,000 students)	At least 3.0 Gbps per 1000 users
Large School District (more than 10,000 students)	At least 2.0 Gbps per 1000 users

User = students, teachers, administrators, staff, and guests

From: State Educational Technology Director's Association's ("SETDA") The Broadband Imperative III: Driving Connectivity, Access and Student Success, Appendix A, updated November, 2019



# Eligible WAN Service – Oklahoma Schools

### **WAN RECOMMENDATIONS**

School Districts	2023-24 Targets
Connections to each school to link to the internet via a district aggregation point and for in-house administrative functions	At least 10 Gbps per 1,000 users

User = students, teachers, administrators, staff, and guests. **District-wide based on WAN site with largest number of users.** 

From: State Educational Technology Director's Association's ("SETDA") The Broadband Imperative III: Driving Connectivity, Access and Student Success, Appendix A, updated November, 2019



## Bandwidth Range

- Select a bandwidth range from the drop-down option on the FCC Form 470, using the SETDA eligible bandwidth as the maximum bandwidth.
- If the beneficiary is not able to utilize the maximum bandwidth, include the preferred bandwidth on the 470 with a reason for this preference (i.e. equipment limitations).
- Include documentation in support of this preference with Request for OUSF Funding.
- If the beneficiary has need of bandwidth in excess of the SETDA bandwidth target, and has selected this bandwidth, include supporting documentation as an attachment to the affidavit with an explanation of this need.







## Soliciting Competitive Bids<sup>6</sup>

- Request bids in a manner that:
  - Is fair and open to all carriers authorized to receive OUSF funding.
  - Requests all costs, including construction (if applicable).
  - Requires ineligible services to be priced separately from eligible services (taxes and fees are not eligible).
- Bid requests should <u>not</u>:
  - Limit bidders based on technology.
  - Be structured to exclude any OUSF-eligible service providers.
  - Require the same service provider for Internet and WAN services.
  - Require service provider to be from a specific geographic area.
  - Require walk-throughs with limited timeframes or preferred access for local carriers. Must allow reasonable scheduling.



## Soliciting Competitive Bids<sup>7</sup>

- ◆ The FCC Form 470 and RFP (if utilized) must identify the bandwidth range.
- Ensure that your request is technology neutral.
- Beneficiaries are not obligated to contact a provider to ask for missing costs on a bid.
  - E.g., if a bid does not include pricing or construction costs (states prices are to be determined), it can be considered as incomplete.



# Soliciting Competitive Bids

- Possible statements for bid request:
  - All technologies will be considered.
  - Intent is to conform with OUSF bidding requirements.

- Include anticipated changes:
  - Change in bandwidth.
  - Addition of sites.



BIG LITTLE SCHOOL DIGTORY

Request for

Outlines the Requirements for the Project and



# Competitive Bidding – Eligible Providers

- ◆ To receive OUSF funding, the selected bidder must be an eligible provider, as defined in 17 O.S. § 139.102.
  - Eligible providers meet one of the following criteria:

## Hold a Certificate of Convenience and Necessity ("CCN")

 Includes Incumbent Local Exchange Carriers ("ILEC") that hold a CCN or equivalent authority.

or





### Eligible Service **Providers Search**



Divisions

Search

Oklahoma Corporation Commission > Divisions > Public Utility > Telephone

### You can search for eligible providers on the OCC Website at https://oklahoma.gov/ occ/divisions/publicutility/telephone.html

Services  Dil and Gas Conservation  Petroleum Storage Tank  Public Utility  Auditing Fuel Costs  Brochures  Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	DIVISIONS	
Petroleum Storage Tank  Public Utility  Auditing Fuel Costs  Brochures  Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083		~
Public Utility  Auditing Fuel Costs  Brochures  Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Dil and Gas Conservation	v
Auditing Fuel Costs  Brochures  Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Petroleum Storage Tank	~
Brochures  Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Public Utility	^
Comment on an Active Utility Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Auditing Fuel Costs	
Cause  Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Brochures	
Consumer Services  Cotton Gin  Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083		
Deposits and Interest  Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Consumer Services	~
Electric Utility  Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Cotton Gin	~
Energy Efficiency  Forms  Gas Utility  Notice of Inquiry PUD 20-083	Deposits and Interest	
Forms  Gas Utility  Notice of Inquiry PUD 20-083	Electric Utility	~
Gas Utility  Notice of Inquiry PUD 20-083	Energy Efficiency	
Notice of Inquiry PUD 20-083	Forms	
	Gas Utility	
Oklahoma Universal Service Fund	Notice of Inquiry PUD 20-083	
	Oklahoma Universal Service Fund	~

#### Regulated Telecommunications

The Corporation Commission has limited regulatory oversight of telephone companies in Oklahoma. The Public Utility Division oversees the Oklahoma Universal Service Fund which assists in the provision of special services to Oklahoma's schools and medical facilities. The division also reviews applications for new carriers that wish to offer certain services within the state.



Telecommunications - Notice of Inquiry - PUD 201800066

- . Filed Third Set of Questions and Proposed Changes (PDF)
- . Third Set of Questions (MS Word)
- Proposed Changes to 139.102 (MS Word)
- · Proposed Changes to 139.103 (MS Word)
- . Proposed Changes to 139.105 (MS Word)
- Proposed Changes to 139.106 (MS Word)
- · Proposed Changes to 139.107 (MS Word)
- · Proposed Changes to 139.110 (MS Word)

Annual Report of Operations and PUD Fee Assessment

Telecommunications Annual Report of Operations and PUD Fee Assessment due April 1, 2020

Information Related to Telecommunication Companies

- Regulated Telephone Companies (Excel)
- Eligible Telecommunications Carriers (ETCs)
- · Find Lifeline Service Providers Near You

Select the Regulated Telephone Companies link.

This will open an Excel document.

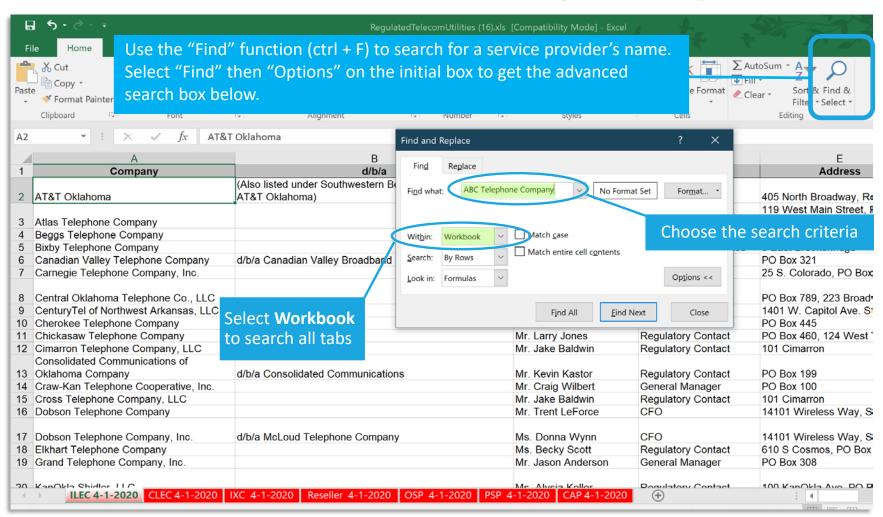
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Assessment



### Eligible Service Providers Search

The Excel document has several tabs of eligible service providers.





What is a Lowest Cost Reasonable Qualifying Bid?



# Lowest Cost Reasonable Qualifying Bid ("LCRQB")

- ◆ The LCRQB meets <u>all</u> of the following requirements<sup>8</sup>:
  - Represents the lowest total cost proposal,
  - Meets the needs of the Beneficiary,
  - Submitted during the same competitive bidding period as the awarded bid,
  - Is for a bandwidth within the range requested for bid and selected by the Beneficiary,
  - Is for the same contract term as the bid that was selected by the Beneficiary,
  - Meets the requirements specified in the request for bid, and
  - Was the result of a fair and open competitive bidding process.
- ◆ Bids for both the selected bandwidth and higher bandwidths are reviewed to determine LCRQB.
- ◆ The OUSF will fund up to 25% over the determined LCRQB.

<sup>8</sup> See 17 O.S. § 139.109.1(B)(7)



### LCRQB Example:

 Beneficiary receives bids of \$1,000, \$1,200, \$1,400 and no ineligible taxes or fees:

### Example 1:



OUSF Administrator determines \$1,000 to be LCRQB.



Beneficiary chooses \$1,200: No out-of-pocket since selected bid is no more than 25% over the determined LCRQB.



**IF** Beneficiary chooses \$1,400: Beneficiary pays the difference between \$1,250 and \$1,400.

### Example 2:



Beneficiary provides compelling reason on Affidavit to **not** use \$1,000 for LCRQB.



Administrator determines \$1,200 to be LCRQB.



Beneficiary chooses \$1,400: no out of pocket since selected bid is no more than 25% over the determined LCRQB.



# Possible Disqualification Factors For Received Bids

- All disqualifications factors must be included in the FCC Form 470 and RFP.
- May disqualify bidders for previous alleged service issues or billing issues <u>IF</u> issues are documented and recent.
- The contract response does not meet specifics as requested in FCC Form 470 and RFP (if beneficiary selects bid that does not meet specifics, other like bids cannot be disqualified).







### Possible Contract Considerations

- Avoiding early termination and non-renewal charges.
- After first year, including 30- or 60-day cancellation notice with no early termination charges.
- Including service level agreement and minimum guaranteed bandwidth (not best effort).
- Contracts may be contingent on approval of federal and state funding (for eligible services).
- Requiring service provider to file for OUSF within 60 or 90 days of starting service.
  - If the service provider does not file for OUSF, the beneficiary will be responsible for payment of services received.
  - If OUSF Funding is denied, the beneficiary is responsible for payment of services received.



### **Long Term Contracts**

- Eligible contracts are limited to a five (5) year maximum term.
  - I.e., a one-year initial term with up to four one-year options for renewal.
- Long-term contracts should include<sup>9</sup>:
  - Anticipated changes in bandwidth during the contract term.
  - Anticipated additional sites during the contract term.
- Service must be rebid at the end of the 5-year statutory limit.

<sup>&</sup>lt;sup>9</sup> See 17 O.S. § 139.109.1(B)(8)







## Determination Summary –Example 1

 Look for the Summary in the Determination. If the Determination Summary has no adjustments as shown below, the request was fully funded.

	Amount Requested by Provider	Amount Determined by the Administrator
Lump Sum:	\$4,242.50	
Dates of Service August 31, 2018 through May 31, 2019		\$4,242.50
Monthly Recurring:	\$275.90	
Determined monthly recurring for service beginning June 1, 2019		\$275.90
Service Provided:	1 Gl	ops Internet access line



## Determination Summary – Example 2

• If the Determination summary has any adjustments<sup>10</sup>, as shown below, the request was **NOT** fully funded.

	Amount	Amount of	Amount
	Requested	Adjustment	Determined
	by Provider	by the	by the
		Administrator	Administrator
Lump Sum	\$2,160.00		
Determined lump sum			\$1,929.33
Disallowance: 18-month rule		(\$230.67)	
Monthly Recurring	\$240.00		
Determined monthly recurring for date of			\$214.37
service beginning April 1, 2019			



### After the Determination

- ◆ If the Beneficiary and Service Provider **accept** the OUSF Funding Determination, a Notice of Disbursement will be filed by the PUD Analyst on the 16<sup>th</sup> day after the Determination filed date.
  - Service Providers will receive OUSF Funding within 45 days of the Notice of Disbursement date.
- ◆ If a Beneficiary or Service Provider does not accept and wishes to dispute, there is an option to file a Request for Reconsideration within 15 days of the Determination filed date.



How is OUSF funding applied to my school or library?



## OUSF Funding – Monthly

- ◆ The Service Provider will submit a Monthly Payment Request for funding per instructions included on the <a href="OUSF homepage">OUSF homepage</a>
- ◆ The beneficiary can verify its service provider is receiving ongoing OUSF funding via our website:
- https://oklahoma.gov/occ/divisions/public-utility/ousf/ousfhistoricaldocuments.html

Any questions regarding OUSF Funding may be directed to

OUSF@occ.ok.gov.







### Change Requests

- ◆ A Service Provider may submit a change request (instead of filing a Request for OUSF Funding) if there is a change in bandwidth and/or price.
- Only for changes to service when staying with current provider at the same location(s).
- The beneficiary must solicit bids and must select a bid that is either the LCRQB or is within 25% over the LCRQB.
  - The beneficiary must complete an Affidavit for all change requests.
- If a change request is denied, the Service Provider may file a Request for OUSF Funding to continue to receive funding.





Can my school or library forecast the amount of OUSF Funding to be received?



### Preapproval<sup>11</sup>

- Preapproval is an optional request submitted by the beneficiary.
- Provides certainty of knowing the amount of funding that will be received from the OUSF for the upcoming funding year.
- If special construction is expected, eligible schools and libraries may receive additional E-rate funding through the State Match Program.
  - If special construction is involved, PUD is required to review the bid evaluation criteria prior to posting for bids (FCC Form 470).
  - Special construction may be denied or greatly reduced without a Preapproval Funding Letter and State Match Funding.
- If beneficiary is unsure whether to request preapproval, please contact the OUSF Administrator for assistance.

## Preapproval Process

**Beneficiary** submits an Affidavit to the OUSF Administrator at

OUSF@occ.ok.gov.

OUSF Administrator provides
Preapproval Funding Letter ("PFL")
within 90 days, which should be
attached to the FCC 471 if special
construction is requested.

- Requires service provider to request OUSF funding within 60 days of starting service by filing a Request for OUSF Funding using the same cause number as in the PFL.
  - If already under contract with the same provider, with the same price and service, a new Request for OUSF Funding is not necessary if the Beneficiary is within the five-year contract limit. Instead, the provider should submit a monthly funding request.
- Can be requested multiple times.
- ◆ The Request for Preapproval and the PFL are only good for the upcoming funding year.
- The service requested in the Request for OUSF Funding must also match the service and price as approved in the PFL.









### **OUSF Affidavit**

Required for:



 Must be completed and signed by a legally responsible representative of the Beneficiary (who can sign on its behalf).





1		Oklahoma Universal Service	e Fund Affidavit for Schools	
2	Use for funding year beginning July 1, 2021			
3	3 See Instructions Tab for General Instructions and Defined Terms and Acronyms			
4	SECTIO	N 1: SCHOOL INFORMATION AND CO	NTACTS	
5				
6	1.1	Purpose of this Affidavit (see Instructions):		Preapproval, Request for Funding, Change in Funding
7		•		,,,,,
8	1.2	School name:		
9				'
		Internet Demarcation or WAN End Point building		Note: for multiple locations, please include an attachment
	1.3	name and address(es):		with the following information: building names and
10				demarcation addresses.
11				1
12	1.4	Contact Name and Person's Title for questions:		
13				1
14	1.5	Phone and Email		
15				1
١	1.6	Does the School meet the definition in 17 O.S. §		
16		139.102(37)? Yes or No		
17				
١.,	1.7	_	quests, provide the consultant(s) information if they are	
18		authorized to work with the OUSF Administrator on	your behalf.	1
19				
20	CECTIO	N 2. DIDG DED CELECTION OF CEDA	CES	1
21	SECTIO	N 2: BIDS, RFP, SELECTION OF SERVI	CES	
22				1
23	2.1	Funding Year(s) requested:		
١,,	2.2	Eligible Student count + Staff as most recently		
24		reported to Department of Education:		
25		Internet Access:		
26		Bandwidth range requested on Form 470 and/or		1
27	2.3	RFP:		
21		MT.		

Training slides for the <u>School Affidavit</u> and <u>Library Affidavit</u> are available on our website. Just click on the links above!

Download forms here: https://oklahoma.gov/content/dam/ok/en/occ/documents/pu/ousf/ousfrequestforms/school-affidavitfinal.xlsx https://oklahoma.gov/content/dam/ok/en/occ/documents/pu/ousf/ousfrequestforms/library-affidavitfinal.xlsx

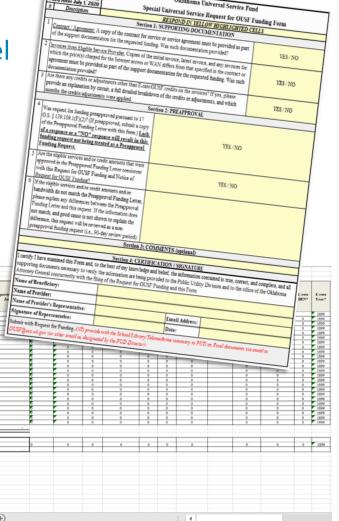


### SUSF:

 Service Provider submits Excel versions of both the SUSF and the SUSF School or Library Summary worksheet to PUD, at the same time the Request for OUSF Funding is filed.

School Nam

SUSF Form SCHOOL Summary LIBRARY Summary TELEMEDICINE Summary



Oklahoma Universal Service Fund



### E-rate and OUSF Process

After the School/Library has assessed its broadband needs, it files the FCC Form 470 to request bids for service.



After a 28-day interval the School/Library reviews the bids, makes a selection, and files the FCC Form 471 to request funding from USAC for the selected services.



After service has been installed and invoiced, the School/Library completes the OUSF Affidavit and attachments and sends it to the Service Provider.



Service Provider files a Request for OUSF Funding with the OCC Court Clerk and submits supporting documentation, along with the affidavit, to PUD at OUSF@occ.ok.gov.



PUD OUSF Analyst reviews the request and files a funding determination within 90 days of the filing date.





# Questions & Answers

# Thank you!



### **Public Utility Division**

oklahoma.gov/occ ousf@occ.ok.gov